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Orders on Motions

3:23-cv-00374-DPJ-ASH Jenkins
et al v. Rankin County,
Mississippi et al

ASH,JURY,NO_CMC

U.S. District Court

Southern District of Mississippi

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Case Name: Jenkins et al v. Rankin County, Mississippi et al

Case Number: 3:23-cv-00374-DPJ-ASH

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Docket Text:

ORDER granting [68] Unopposed Motion for Discovery Limited to Qualified Immunity. Signed by Magistrate Judge Andrew S. Harris on August 29, 2024.(TA)

3:23-cv-00374-DPJ-ASH Notice has been electronically mailed to:

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

MICHAEL COREY JENKINS and
EDDIE TERRELL PARKER

PLAINTIFFS

V.

CIVIL ACTION NO. 3:23-CV-374-DPJ-ASH

RANKIN COUNTY, MISSISSIPPI, et al.

DEFENDANTS

ORDER

This case is before the Court on Defendant Sheriff Bryan Bailey's Motion for Discovery Limited to Qualified Immunity [68]. Plaintiffs Michael Corey Jenkins and Eddie Terrell Parker filed no response.

As an initial matter, Plaintiffs' failure to respond to Bailey's motion under the Local Rules justifies granting the motion as unopposed. L.U. Civ. R. 7(b)(3). Notwithstanding this, Bailey's request for limited discovery followed by a summary judgment motion is appropriate in these circumstances. Because the Court denied his motion for Judgment on the Pleadings Premised on Qualified Immunity [35], Bailey was left with two options: he could either "immediately appeal the district court's denial under the collateral order doctrine" or "move the district court for discovery limited to the factual disputes relevant to whether [qualified immunity] applies, then reassert [qualified immunity] in a summary judgment motion." *Carswell v. Camp*, 54 F.4th 307, 312 (5th Cir. 2022). Bailey seeks the second option, and the Court finds his motion should be granted.

Although the Court is granting Bailey's motion, the stay of discovery will remain in effect pending entry of a scheduling order at the Telephonic Case Management Conference set for September 18, 2024. Order [65]. To the extent the parties have not already discussed it during

their Rule 26(f) conference, the Court orders the parties to meet and confer on the limitations and scope of qualified immunity discovery, the time desired to complete qualified immunity discovery, and the deadline for Bailey to file a motion for summary judgment based on qualified immunity. The parties should memorialize their meet and confer efforts in a joint report submitted to the Court via email when they submit their proposed Case Management Order.

SO ORDERED AND ADJUDGED this the 29th day of August, 2024.

s/ Andrew S. Harris

UNITED STATES MAGISTRATE JUDGE